

Exhibit B

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VISTA HEALTHPLAN, INC., *et al.*,

Plaintiffs,

v.

CEPHALON, INC., *et al.*,

Defendants.

Case No. 2:06-cv-1833 (MSG)
Honorable Mitchell S. Goldberg

**DECLARATION OF ERIC J. MILLER REGARDING
(A) MAILING OF THE NOTICE AND PROOF OF CLAIM AND RELEASE;
(B) PUBLICATION OF SUMMARY NOTICE; AND
(C) REPORT ON REQUESTS FOR EXCLUSION RECEIVED TO DATE**

I, Eric J. Miller, declare as follows:

1. I am the Senior Vice President of A.B. Data, Ltd.'s Class Action Administration Company ("A.B. Data"), whose corporate office is located in Milwaukee, Wisconsin. My business address is 5080 PGA Boulevard, Suite 209, Palm Beach Gardens, FL 33418, and my telephone number is 561-336-1801.

2. I submit this Declaration at the request of Class Counsel in connection with the above-referenced action (the "Action"). This Declaration is based upon my personal knowledge and upon information provided by my associates and staff members. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

3. Pursuant to the Court's August 8, 2019 Order (the "Preliminary Order"), A.B. Data was responsible to effectuate notice pursuant to the Proposed Class Action Notice Program (the "Notice Program") approved by the Court. This Declaration details the steps that were taken to implement the notice per the Notice Program, which consisted of the following:

- a. Assisted, if necessary, Defendants in the process of serving upon the appropriate state and federal officials a notice of the Settlement in compliance with 28 U.S.C. Section 1715(b), the Class Action Fairness Act (“CAFA”);
- b. Direct Notice to potential Class Members identified through subpoenas to 25 providers of retail pharmacy services and pharmacy benefits managers, including mail-order pharmacies;
- c. Direct notice to potential members of the Settlement Class identified through the A.G. Provigil Settlement;
- d. Publication notice in national consumer magazines;
- e. Internet banner and newsfeed ads on multiple networks, including social media and targeted websites;
- f. Distributing notice via PR Newswire’s US1 Newswire;
- g. Developing and launching a dedicated informational website for the Settlement at ProvigilSettlement.com (the “Settlement Website”); and
- h. Establishing a dedicated toll-free telephone number with an interactive voice response (“IVR”) system and live operators.

**CLASS ACTION FAIRNESS ACT NOTICE ON
STATE AND FEDERAL OFFICIALS**

4. On April 4, 2019 and August 30, 2019, A.B. Data served notice on the appropriate state official of each state and the appropriate federal official, a notice of the Settlement at the request of Defendants Teva/Cephalon/Barr and Mylan, in compliance with 28 U.S.C. Sections 1715(b)(1)-(8). It is my understanding from Class Counsel that Ranbaxy complied with CAFA by itself.

5. In particular, we served a copy of the attached cover letters attached hereto as Exhibit A and B. Included with each cover letter was a CD-ROM, which included copies of all of Exhibits identified in the cover letters.

DIRECT MAIL TO CONSUMERS AND TPPS

6. A.B. Data, in cooperation with both Class Counsel for this Action and the California Attorney General office (“CAAG”), formatted and prepared the combined Notices and Claim Forms for direct mail to potential Class Members and potential eligible members of the CAAG Settlement. Copies of the Notice and Claim Forms are attached hereto as Exhibits C and D.

7. In accordance with the Preliminary Approval Order, A.B. Data was required to commence direct mail notice to potential Consumers and TPP Class Members within fourteen (14) days of the date of the Preliminary Approval Order. Beginning on August 22, 2019, A.B. Data commenced issuance of notice via USPS First-Class Mail to the 42,793 consumer names and addresses that were identified in the claim records from administering the A.G. Provigil settlement and 38,732 potential TPP Class Members included in A.B. Data’s TPP Mailing List compiled using membership listings and existing databases from publicly available sources including U.S. Department of Labor Form 5500 filings and the Pharmacy Benefit Management Institute.

SUBPOENA STATUS

8. A.B. Data assisted Class Counsel in compiling a list of 25 pharmacies, supermarkets and pharmacy benefits managers (“PBMs”) to issue subpoenas requesting the names and addresses of persons who purchased Provigil or modafinil for the purposes of sending out Notice in this Action.

Albertson’s/Safeway	Kroger/Ralph’s
Bi-Lo/Winn-Dixie	Medimpact
Cardinal Health Pharmacy Services	Meijer
Caremark/CVS/Long’s Drugs	OptumRx
Costco	Prime Therapeutics
Express Scripts	Publix
Food Lion	Rite Aid
Giant Eagle	Stater Bros Holdings Inc
Harris Teeter	Sam's Club/Wal Mart

HEB	Target
Humana	University of Southern California
Kaiser Permanente	Walgreen Co
Kmart	

9. Starting on August 13, 2019, Class Counsel began issuing subpoenas to these 25 entities.

10. After the mailing of the subpoenas, Class Counsel, CAAG, and A.B. Data followed up with the pharmacies and PBMs to confirm their receipt of the subpoena and encourage the pharmacies and PBMs to comply with them.

11. As of the date of this Declaration, the pharmacies and PBMs subpoenaed have provided A.B. Data with electronic lists containing in excess of 5.7 million lines of data including names and addresses of potential Class Members. One pharmacy requested sufficient Notice Packets to be provided so they can mail the notice directly. Some entities responded that they did not have any records of potential Class Members or explained why it would not be feasible for them to send names and addresses.

12. A.B. Data electronically processed the electronic lists as they were received to remove duplicates and standardize mailing addresses. The de-duplication process was first within the electronic list received and then against the already existing potential Class Member name and address information. As of the date of this Declaration, A.B. Data has mailed 1,180,986 Notice Packets to potential Class Members as a result of the subpoena process.

PUBLICATION OF THE NOTICE

13. A.B. Data developed and effectuated a notice plan to target potential members of the Settlement Class who may have paid for all or part of a prescription for Provigil or modafinil during the Class Period. Below is a listing of the national consumer magazines in which the Summary Notice was published and the dates on which it was published in each of them. The Summary Notice provides potential Class Members with information regarding this Action, and in addition provides information regarding the CAAG Settlement. A copy of the Summary

Notice is attached hereto as Exhibit E.

Publication	Issue Date
<i>Better Homes and Gardens</i>	November, 2019 (on newsstands Oct. 14)
<i>People</i>	September 30, 2019
<i>Time</i>	September 23, 2019

14. Beginning on September 4, 2019, A.B. Data coordinated internet banner ads and newsfeed ads to appear on websites/networks and social media for 60 days. When clicked, the banners directed potential Class Members to the Settlement Website. Examples of the internet banner ads and newsfeed ads are attached hereto as Exhibit F. More than 218 million digital impressions were delivered to potential Class Members. The following digital networks were included in the campaign:

- a. Facebook
- b. Google Networks
- c. Google AdWords
- d. YouTube
- e. Pinterest

15. Beginning on September 9, 2019, A.B. effectuated a digital ad campaign on ThinkAdvisor.com/life-health to reach TPPs and other entities that may be potential Class Members.

16. In addition, A.B. Data effectuated the publishing of the Summary Notice on September 4, 2019, via PR Newswire using the US1 National distribution list. A copy of the PR Newswire is attached hereto as Exhibit G.

WEBSITE

17. A.B. Data established the Settlement Website, ProvigilSettlement.com, which includes general information regarding this Action, and its current status, the claim-, exclusion- and objection-filing deadlines, frequently asked questions and answers, and the date and time of

the Court's Final Approval Hearing. The website also provides similar information in relation to the CAAG Settlement. Copies of the Summary Notice, Full Notice, Claim Forms, Settlement Agreements, Plan of Allocation and Preliminary Approval Order are posted on the Settlement Website and are available for downloading. The Settlement Website also allows potential Class Members the option to file their claim online. The Settlement Website was operational beginning on August 22, 2019, and is accessible 24 hours a day, 7 days a week.

18. As of December 13, 2019, a total of 94,742 sessions have been recorded at the website.

TELEPHONE HELPLINE

19. On or about August 22, 2019, A.B. Data established a case-specific toll-free number, 1-877-241-7503, with an IVR system and live operators, to accommodate potential Class Members with questions about the Settlement. The automated attendant answers the calls and presents callers with a series of choices to respond to basic questions. If callers need further help, they have the option of being transferred to a live operator during business hours.

20. As of December 13, 2019, A.B. Data received 8,255 calls.

REPORT ON OPT OUT REQUESTS

21. The Notice informed potential Class Members that if they request to exclude themselves from the Class, they must send a written "Request to Opt Out" to the Settlement Administrator so that it is received by December 6, 2019. The written request was to include:

- a. The Class Member's name, address, telephone number, and a signed statement that they was to opt out of the Class Action Settlement;
- b. Sufficient information to prove class membership; and
- c. The case name and number: *Vista Healthplan, Inc., et al. v. Cephalon, Inc. et al.*, Civil No. 06-CV-01833.

22. As of the date of this Declaration, A.B. Data has received seventeen (17) requests

for exclusion, of which all are individuals and none are TPPs. A list of the opt outs are attached hereto as Exhibit H.

REPORT ON CLAIMS

23. Pursuant to the Preliminary Order, Claims Forms are to be mailed to the address listed in the Notice Packet or submitted online so that they are received by January 15, 2020. As of the date of this Declaration, A.B. Data has received 25,057 Consumer Claim Forms and 240 TPP Claim Forms. A.B. Data anticipates that a large percentage of the TPPs will file claims closer to the filing deadline.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 13th day of December 2019.



Eric J. Miller